

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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JOSEPH DEMASI,

07 Civ. 8049 (WCC)

Plaintiff,

NOTICE OF MOTION

- against -

JOSEPH BENEFICO, individually, RICHARD
SLINGERLAND, individually, and the VILLAGE OF
PELHAM, New York,

Defendants.

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PLEASE TAKE NOTICE that, upon the accompanying Declaration of Steven C. Stern and the exhibits annexed thereto, including the affidavit of Joseph Benefico; the Memorandum of Law in Support of Defendants' Motion to Dismiss; and upon all pleadings and proceedings heretofore had herein, defendants Joseph Benefico, Richard Slingerland, and the Village of Pelham, by their attorneys, Miranda Sokoloff Sambursky Slone Verveniots LLP, will move this Court before Honorable William C. Conner, United States District Judge, in the United States District Court for the Southern District of New York, located at the U.S. Courthouse, 300 Quarropas Street, White Plains, New York 10601, on a date and time to be determined by the Court, for an Order, pursuant to Fed. R. Civ. P. 12(b)(6), dismissing this action in its entirety for failure to state a claim upon which relief may be granted, or, in the alternative, dismissing the claims against defendants Joseph Benefico and Richard Slingerland on the grounds of qualified immunity, and for such other and further relief as this Court deems proper and just.

PLEASE TAKE FURTHER NOTICE that opposition papers are to be served by January 14, 2008.

PLEASE TAKE FURTHER NOTICE that reply papers shall be served by January 24, 2008.

DATED: Mineola, New York
December 17, 2007

MIRANDA SOKOLOFF SAMBURSKY
SLONE VERVENIOTIS LLP
Attorneys for Defendants

A handwritten signature in black ink, appearing to read "Stu C. Stern", written over a horizontal line.

By: STEVEN C. STERN (SS 2573)
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Our File No.: 06-068

TO:
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